

REMARKS

**Status of Claims:**

Claims 1-11 remain pending for examination.

**Prior Art Rejections:**

Claims 1-11 stand rejected under 35 U.S.C. § 102 as anticipated by Peterson.

The examiner's rejections are respectfully traversed.

Peterson is directed toward a system for scheduling deliver of desired web content. The delivery may be scheduled at times during which the user is not using the internet such as in the middle of the night or other convenient times.

While Peterson teaches a system of customized web content deliver, Peterson solicits certain categories of information and reviews retrieved indexes 30 that result from such solicitation. Selection among these indexes results in the desired data 28 to be viewed by the user. The indexes all retrieved data is stored in the user's cache 116 and the filtering operations are performed at the user site. (See Figs. 3 and 7 and the related description).

In contrast, applicant's invention is directed to the distribution of advertising data which is, at least at first, unsolicited in the sense that the user never request receipt of any such data. Unsolicited advertisement data which is sent to each user terminal is acted upon by the user of the terminal, and if the user accepts such data, then additional data of the same and related type may be sent to such user. If the user rejects (deletes) such advertisement, then no further advertisements of the same (or perhaps related) type will be sent to the user.

Applicant has amended independent claim 1 to recite:

1. A data distribution method of distributing data selected for each of a plurality of user terminals from a distribution center to each user terminal through a communication network, comprising the steps of:

- a) distributing various data to a user terminal among said plurality of user terminals, said various data being advertising data not requested by said user terminal;
- b) selecting at said user terminal, using a first user operation, at least one data among said various data which the user desires to receive, said selected data being desired data;
- c) selecting at said user terminal, using a second user operation, at least another data among said various data which the user does not desire to receive, said selected data being undesired data;
- d) sending a notification to the distribution center of a content of the first and second user operations for the various data distributed to the user terminal;
- e) causing the distribution center to receive the notification from the user terminal;
- f) selecting data to be subsequently distributed to the user terminal by using the contents of the first and second user operations contained in the notification from the user terminal;
- g) distributing the selected data to the user terminal; and
- h) performing steps a) through g) for each of said plurality of user terminals.

The above unlined portions of applicant's claim 1 serve to highlight the distinguishing limitations of applicant's invention from the prior art Peterson reference. These limitations are simply not disclosed in Peterson. As such, It is thus submitted that the PTO has not made out a *prima facie* case of obviousness under the provisions of 35 U.S.C. § 103, and thus applicant's claim 1 is patentable over the prior art.

Similar limitations as discussed above are also found in all of applicant's independent claims. These claims are thus likewise deemed patentable.

Applicant's dependent claims are deemed patentable at least by virtue of their dependency from patentable claims.

**Conclusions:**

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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